

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 04-11492-REK

MARIO LACY,
Plaintiff,

v.

CITY OF BOSTON et al.,
Defendants.

JOINT MOTION TO EXTEND DEADLINES AND
TO CONTINUE DATE OF TRIAL DUE TO RECENT AMENDMENT OF
COMPLAINT TO ADD ADDITIONAL PARTY.

NOW COME the Parties to the above-entitled action, who jointly move this Honorable Court to extend the deadlines for fact discovery and motions in the above-entitled action and to continue the date of trial (currently set for November 28, 2005).

As grounds therefore, the Parties state that:

1. On May 11, 2005, the Plaintiff moved to amend the *Complaint*;
2. On October 12, 2005, this Honorable Court allowed the Plaintiff's *Motion to Amend*, and the Plaintiff filed his Amended Complaint on October 19, 2005.
3. The Plaintiff served the *Amended Complaint* upon the new Defendant, Marc Acloque (sic) on October 27, 2005;
4. To date, Defendant Acloque has not requested legal representation from the City of Boston Police Department;

5. The appointment of counsel for Defendant Acloque is unlikely to be resolved prior to expiration of the current discovery deadline of November 10, 2005;
6. Defendant Acloque will be entitled by rule to a period of Twenty Days in which to make a responsive pleading;
7. The Plaintiff intends to depose Defendant Acloque upon his appearance in this case with counsel;
8. Defendant Acloque may also desire to engage in discovery;
9. The Plaintiff also intends to move for summary judgment on at least some claims upon the conclusion of discovery and receipt of transcripts;
10. A Final Pre-Trial Conference is currently set for November 16, 2005, and trial is set for November 28, 2005; and,
11. No party is prejudiced by allowance of this Motion and it is in the interests of justice.

WHEREFORE, the Parties jointly request that this Honorable Court (1) extend the deadline for discovery to December 31, 2005; (2) extend the deadline for filing of dispositive motions to January 31, 2005; and (3) schedule a Final Pre-Trial Conference during February, 2006, as permitted by the Court's schedule.

Respectfully submitted,

PLAINTIFF, MARIO LACY

DEFENDANTS, HEARNS, FEENEY AND
CITY OF BOSTON
Merita A. Hopkins
Corporation Counsel

By his attorneys:

By their attorneys:

s/ Jessica D. Hedges

s/ James M. Chernetsky

Stephen Hrones, BBO #242860
Jessica D. Hedges, BBO #645847
HRONES, GARRITY & HEDGES LLP
Lewis Wharf - Bay 232
Boston, MA 02110-3927
(617) 227-4019

Karen A. Glasgow BBO# 648688
James M. Chernetsky BBO # 638152
Assistant Corporation Counsel
City of Boston Law Department
Room 615, City Hall
Boston, MA 02201
(617) 635-3238